

UNITED STATES DISTRICT COURT  
DISTRICT OF SOUTH DAKOTA  
SOUTHERN DIVISION

FILED

OCT 19 2012

  
CLERK

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DONALD E. MOELLER,

Plaintiff

vs.

DOUGLAS WEBER, Warden,  
South Dakota State Penitentiary;  
DENNIS KAEMINGK, Secretary of  
the South Dakota Department of  
Corrections, in his official capacity;  
and DOES 1-20, unknown employees  
or agents of the South Dakota  
Department of Corrections,

Defendants.

CIV 04-4200

ORDER

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Donna Nichols, as the claimed next friend of Donald Moeller, by and through her counsel, Robert W. Van Norman, yesterday evening filed an Expedited Motion to Partially Unseal the Record, Doc. 382. In the alternative to that Motion, Mr. Van Norman on behalf of Donna Nichols requested that the Court include her and her counsel to the confines of the Protective Order, Doc. 285 and 286. There is no basis shown for Donna Nichols to have access to the documents subject to the Protective Order. The Court does, however, grant her counsel, Robert W. Van Norman, access to the main documents of the file within the confines of the Protective Orders, Doc. 285 and 286.

IT IS ORDERED:

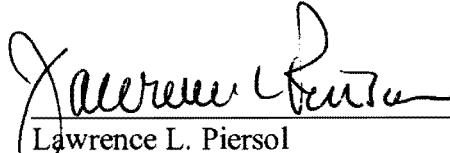
1. That the Expedited Motion to Partially Unseal the Record, Doc. 382, filed by Attorney Robert W. Van Norman is granted in part and denied in part, and all sealed documents in the above action may be furnished by the District Court Clerk's Office to Attorney Robert W. Van Norman with the exception

of Doc. 286-2, 286-3, 286-4, 286-5, 286-6, and 286-7, (those being documents that after *in camera* review the Court did not allow the opposing party to view). The access of Attorney Van Norman includes the depositions taken in this proceedings.

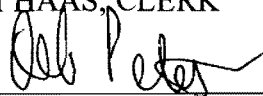
2. That Attorney Robert W. Van Norman is included under the protections and restrictions of the Court's Protective Order, Doc. 285 and 286. The contents of the documents under seal are not to be conveyed to Donna Nichols.

Dated this 19<sup>th</sup> day of October, 2012.

BY THE COURT:

  
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Lawrence L. Piersol  
United States District Judge

ATTEST:  
JOSEPH HAAS, CLERK

BY:   
\_\_\_\_\_  
DEPUTY